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EXAMINER

CHEEMA, UMAR

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/667,833	Applicant(s) KARAOGUZ ET AL.	
	Examiner UMAR CHEEMA	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is response to the Request for Continued Examination (RCE) transmitted on 07/28/2008. Claims 1-48 are pending in this action. Claims 1, 15, 25, 30 and 35 have been amended.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/28/2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-9, 14-22, 25-27, 29, 30-32, 34-44 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Lu, (US Patent # 7,065,778).

Regarding claim 1, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: a first television (see col. 6 lines 21-28 and fig. 2; display 212 of PVR 200A) in a first home (see col. 6, lines 43-61, co. 1 lines 64-67, fig. 3); a first storage in the first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43), and having an associated first network protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address); a second television (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to “a second home”; fig. 3); a second storage in the second home (see col. 10, lines 26-29, 40-43, data device 218 of a PVR is used for storing TV programs for future viewing), the second storage having an associated second network protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address); at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor); a communication network; and server software (EPG server 304) that maintains a user defined association of the first and second network protocol addresses, that receives a request (see search topic from PVR 200) that identifies one of the associated first and second network protocol addresses (see col. 10, lines 10-15, each PVR is associated

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with an IP address) and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server (see col. 6, lines 39-61, users associated with IP addresses of PVRs), and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television, and the 3rd party media and the first media by the second television (see display 212 of PVR 200; col. 6, lines 21-28).

Regarding claim 2, Lu discloses the system of claim 1 wherein the first media comprises one or more of audio, a still image, video, and/or data (see col. 7, lines 25-28, network 300 operate with any type of media content: audio, video, graphics, information, data, and/or the like in any type of format).

Regarding claim 3, Lu, discloses the system of claim 2 wherein the first media is real-time video (see col. 7, lines 25-28).

Regarding claim 4, Lu discloses the system of claim 1 wherein the 3rd party media comprises one or more of audio, a still image, video, and/or data (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

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Regarding claim 5, Lu discloses the system of claim 1 wherein the first and second network protocol addresses are one of an Internet protocol (IP) address, a media access control (MAC) address, or an electronic serial number (ESN) (see col. 10, lines 10-15, each PVR is associated with an IP address).

Regarding claim 6, Lu discloses the system of claim 1 wherein the at least one server comprises one or more of a 3rd party media provider, a 3rd party service provider, and/or a broadband head end (see col. 7, lines 20-24, lines 53-58, server 304 could be a 3rd party storage vendor).

Regarding claim 7, Lu discloses the system of claim 1 wherein the communication network comprises one or more of a cable infrastructure, a satellite network infrastructure, a digital subscriber line (DSL) infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, and/or a wireless infrastructure (see col. 7, lines 1-8, PVR 200, 200A and EGP server 304 may be coupled via coaxial cable, copper wire, fiber optics, the internet 302, wireless communication and the like).

Regarding claim 8, Lu discloses the system of claim 7 wherein the communication network is the Internet (see col. 7, lines 1-8, internet 302).

Regarding claim 9, Lu discloses the system of claim 1 wherein the consuming comprises one or more of playing digitized audio, displaying a still image, displaying

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video, and/or displaying data (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

Regarding claim 14, Lu discloses the system of claim 1 further comprising a media guide interface for displaying media availability (see col. 7, lines 25-28, types of media supported by system 300 are audio, video, graphics, information, data, and/or the like in any type of format).

Regarding claim 15, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising:

a first storage in a first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43), and having a first protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address);

a second television (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to “a second home”; fig. 3), and having a second protocol address (see col. 10, lines 10-15, each PVR is associated with an IP address);

at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor);

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set top box circuitry (see PVR 200A corresponding to “set top box circuitry”; col. 5, lines 26-35), in the first home, communicatively coupled to deliver the first media from the first storage to the second television concurrent with consumption, at the first home, of at least the 3rd party media (see display 212 of PVR 200; col. 6, lines 21-28); a communication network; and server software (see figure 3, EPG server 304) that maintains a user defined association of the first and second network protocol addresses, that receives a request (see search topic from PVR 200) that identifies one of the associated first and second protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address) and responds by identifying the other of the associated first and second protocol addresses(see col. 6, lines 45-50, IP address of PVR 200A is located (identified) for server to send request to record desired TV shows) to support delivery via the communication network of the 3rd party media from the at least one server and the first media from the first storage, to the second television for concurrent consumption of the 3rd party media and the first media (see display 212 of PVR 200; col. 6, lines 21-28).

Regarding claim 16, the limitations of this claim has already been addressed (see claim 2 above).

Regarding claim 17, the limitations of this claim has already been addressed (see claim 3 above).

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Regarding claim 18, the limitations of this claim has already been addressed (see claim 4 above).

Regarding claim 19, the limitations of this claim has already been addressed (see claim 5 above).

Regarding claim 20, the limitations of this claim has already been addressed (see claim 6 above).

Regarding claim 21, the limitations of this claim has already been addressed (see claim 7 above).

Regarding claim 22, the limitations of this claim has already been addressed (see claim 8 above).

Regarding claim 25, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising:

a first storage in a first home that stores a first media (see col. 6, lines 50-53, col. 10, lines 40-43); a second television (see display 212 of PVR 200; col. 6, lines 21-28) in a second home (see the place where PVR 200 resides corresponds to “a second home”; fig. 3);

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at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor); set top box circuitry (see PVR 200A corresponding to “set top box circuitry”; col. 5, lines 26-35), in the second home, communicatively coupled to receive the first media from the first storage and the 3rd party media from the at least one server, for concurrent consumption by the second television (see display 212 of PVR 200; col. 6, lines 21-28);

a communication network; and server software (see figure 3, EPG server 304) that coordinates delivery via the communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry (see col. 6, lines 39-61, users associated with IP addresses of PVRs).

Regarding claim 26, the limitations of this claim has already been addressed (see claim 4 above).

Regarding claim 27, the limitations of this claim has already been addressed (see claim 7 above).

Regarding claim 29, the limitations of this claim has already been addressed (see claim 14 above).

Regarding claim 30, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: set top box circuitry (see PVR 200A corresponding to “set top box circuitry”;

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col. 5, lines 26-35), in a second home, communicatively coupled to receive first media from a first storage located in a first home and to receive 3rd party media from at least one server, for concurrent consumption by a second television in the second home (see display 212 of PVR 200; col. 6, lines 21-28); software (see figure 3, EPG server 304) that coordinates delivery via a communication network of the first media from the first storage and the 3rd party media from the at least one server to the set top box circuitry (see col. 6, lines 39-61, users associated with IP addresses of PVRs).

Regarding claim 31, the limitations of this claim has already been addressed (see claim 2 above).

Regarding claim 32, the limitations of this claim has already been addressed (see claim 7 above).

Regarding claim 34, the limitations of this claim has already been addressed (see claim 14 above).

Regarding claim 35, Lu discloses a system supporting concurrent consumption of media from multiple sources (see col. 2, lines 9-28, col. 11, lines 41-53), the system comprising: at least one server for storing and distributing 3rd party media (see fig. 3, server 304 could be a 3rd party storage vendor); and software (see figure 3, EPG server 304) that maintains a user defined association of a first network protocol address of a first storage in a first home and second network protocol address of a second storage in

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a second home, the software configured to receive a request that identifies one of the associated first and second network protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address) and respond by identifying the other of the associated first and second network protocol addresses to support delivery via a communication network of the 3rd party media from the at least one server (see col. 6, lines 39-61, user associated with IP addresses of PVRs), and the first media from the first storage, to the second home, and the 3rd party media from the at least one server to the first home, for concurrent consumption of the 3rd party media by a first television at the first home and the 3rd party media and the first media by a second television at the second home (see display 212 of PVR 200; col. 6, lines 21-28).

Regarding claim 36, the limitations of this claim has already been addressed (see claim 2 above).

Regarding claim 37, the limitations of this claim has already been addressed (see claim 3 above).

Regarding claim 38, the limitations of this claim has already been addressed (see claim 4 above).

Regarding claim 39, the limitations of this claim has already been addressed (see claim 5 above).

Regarding claim 40, the limitations of this claim has already been addressed (see claim 6 above).

Regarding claim 41, the limitations of this claim has already been addressed (see claim 7 above).

Regarding claim 42, the limitations of this claim has already been addressed (see claim 8 above).

Regarding claim 43, the limitations of this claim has already been addressed (see claim 9 above).

Regarding claim 44, the limitations of this claim has already been addressed (see claim 10 above).

Regarding claim 48, the limitations of this claim has already been addressed (see claim 14 above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10-13, 23-24, 28, 33, 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu, (US Patent # 7,065,778) in view of Cohen et al. (Cohen) (US Patent # 6,963,358).

Regarding claim 10, Lu discloses substantially the invention as claimed in claim 1 for the reason above however Lu does not disclose wherein the system of claim 1 further comprising: at least one first media peripheral communicatively coupled to the first storage. However in the same field of invention Cohen discloses at least one first media peripheral (digital camera 10) communicatively coupled to the first storage (see device 100b, figure 6A, col. 13 lines 37-39). Therefore it would have been obvious to one of ordinary skill in the art of network at the time of the invention to combine Lu and Cohen teaching for a system wherein at least one first media peripheral communicatively coupled to the first storage. Motivation to do so would have been to make the modification to Lu would allow the media data of a peripheral to be transmitted

to a remote location and allow authorized individuals to gain access and retrieve the media data as taught by Cohen (see col. 3, lines 29-31, and col. 4, lines 42-54).

Regarding claim 11, the combination of Lu and Cohen disclose the system of claim 10 and Cohen further discloses wherein the at least one first media peripheral comprises one or more of a digital camera, a digital camcorder, a television, a personal computer, a CD player, a home juke-box, a mobile multi-media gateway, a multi-media personal digital assistant, a DVD player, a tape player, and/or a MP3 player (see col. 14, lines 19-27, fig. 6C of Cohen, peripheral in Cohen is a digital camera).

Regarding claim 12, Lu discloses substantially the invention as claimed in claim 1 for the reason above however Lu does not disclose wherein the system of claim 1 further comprising: at least one second media peripheral communicatively coupled to the second storage. However in the same field of invention Cohen discloses at least one second media peripheral (digital camera 10) communicatively coupled to the second storage (see device 100b, figure 6A, col. 13 lines 37-39). Therefore it would have been obvious to one of the ordinary skill in the art of network at the time of the invention to combine Lu and Cohen teaching for a system wherein at least one second media peripheral communicatively coupled to the second storage. Motivation to do so would have been to make the modification to Lu would allow the media data of a peripheral to be transmitted to a remote location and allow authorized individuals to gain access and

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retrieve the media data as taught by Cohen (see col. 3, lines 29-31, and col. 4, lines 42-54).

Regarding claim 13, the limitations of this claim has already been addressed (see claim 11 above).

Regarding claim 23, the limitations of this claim has already been addressed (see claim 10 above).

Regarding claim 24, the limitations of this claim has already been addressed (see claim 11 above).

Regarding claim 28, the limitations of this claim has already been addressed (see claim 11 above).

Regarding claim 33, the limitations of this claim has already been addressed (see claims 11, 13, 28 above).

Regarding claim 45, the limitations of this claim has already been addressed (see claim 11 above).

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Regarding claim 46, the limitations of this claim has already been addressed (see claim 12 above).

Regarding claim 47, the limitations of this claim has already been addressed (see claim 13 above).

Response to Arguments

2. Applicant's arguments filed on 28 July 2008 have been fully considered but they are not persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicant's main point of contention. Applicant's arguments includes:

a. Regarding to claims 1-9, 14-22, 25-27 and 29 applicant's argues that Lu does not teach or suggest "server software that maintains a user defined association of the first and second network protocol addresses, that receives a request that identifies one of the associated first and second network protocol addresses and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server, and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display."

b. Regarding to claims 10-13, 23-24 and 28 Applicant argues that Lu in view of Cohen does not render these claims unpatentable for at least the reasons discussed above. Further, applicant argues that the office action has not established a prima facie case of anticipation or obviousness with respect to pending claims for at least the reasons discussed above.

As for Point A, it is Examiner's position that Lu teaches or suggests " server software (see figure 3, EPG server 304) that maintains a user defined association of the first and second network protocol addresses, that receives a request (see search topic from PVR 200) that identifies one of the associated first and second network protocol addresses (see col. 10, lines 10-15, each PVR is associated with an IP address, figure 5) and responds by identifying the other of the associated first and second network protocol addresses to support delivery via the communication network of the 3rd party media from the at least one server (see figure 5-6, col. 6, lines 39-61, users associated with IP addresses of PVRs), and the first media from the first storage, to the second home, and the 3rd party media from the at least one server, to the first home, for concurrent consumption of the 3rd party media by the first television display, and the 3rd party media and the first media by the second television display (see figure 3, display 212 of PVR 200; col. 6, lines 21-28)." Thus it is the Examiner's position that the 35 U.S.C 102(e) Rejection is proper. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re

Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The prior art in record overcomes claimed invention.

As for Point B, it is Examiner's position that Lu in view of Cohen teaches or suggests the limitations of given claims for the reason given above. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lu teaches and suggests the method and system for providing media from remote locations to a viewer (see abstract, title) and Cohen teaches or suggests wireless digital camera adapter and system and method related thereto and for use with such an adapter (see title, abstract). Thus it is the Examiner's position that the 35 U.S.C 103(a) rejection is proper and motivation is suggested within the prior art.

Examiner's Note: Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as

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well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the form PTO-892 (Notice of Cited References) for a list of more relevant prior arts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Uc

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144